

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CASE NO.: 1:21-CV-00067

DMARCIAN, INC.

Plaintiff,

v.

DMARCIAN EUROPE BV

Defendant.

**PLAINTIFF'S MOTION FOR
ATTORNEYS' FEES AND COSTS**

Pursuant to the Court's August 11, 2011 Order (the "Order"), Plaintiff moves for Attorneys' Fees and Costs in connection with its successful motion for contempt. In support of this Motion, the Plaintiff shows the Court as follows:

1. The Order directed Defendant to pay Plaintiff's attorneys' fees and costs in litigating the contempt matter and instructed Plaintiff to file a brief detailing its reasonable costs, fees, and expenses incurred in this action. (Doc. 80, p. 27).

2. Plaintiff seeks recovery of fees and costs in the total amount of \$105,944.40, broken down as follows:

\$ 45,918.00	Sharpless Fees (139.6 hours) ¹
\$ 567.39	Sharpless Costs (Travel)
\$ 6,798.30	Expert witness fees
\$ 51,206.00	Blank Rome Fees (64.9 hours)
<u>\$ 1,455.71</u>	Blank Rome Costs (travel costs)
\$105,944.40	Total

3. As requested in the Order (at pp. 25-26), Plaintiff has filed a brief “providing a breakdown of the hours incurred in litigating this contempt proceeding and discussing the relevant factors for determining the reasonableness of a fee request in the Fourth Circuit. *See Grissom v. The Mills Corp.*, 549 F.3d 313, 321 (4th Cir. 2008).”

4. Plaintiff’s motion is also supported by the Declarations of Pamela S. Duffy (Doc 85), David A. Dorey (Doc. 86), and Mark A. Nebrig (Doc. 87), all of which demonstrate that the fees and costs Plaintiff is seeking to recover in this matter are reasonable.

¹ This reflects the original time entries as adjusted to eliminate time unrelated to the contempt motion as indicated on Exhibit 1 to the Duffy Declaration.

WHEREFORE, the Plaintiff prays the Court to enter an order granting Plaintiff's Motion for Attorneys' Fees and Costs.

This the 3rd day of September, 2021.

/s/ Pamela S. Duffy

Pamela S. Duffy, N.C.S.B. No. 18329

pduffy@sharplesslaw.com

Sharpless McClearn Lester Duffy, PA

200 S. Elm Street, Suite 400

Greensboro, NC 27401

Telephone: (336) 333-6389

Attorney for Plaintiff

OF COUNSEL:

/s/ David Dorey (with permission)

David Dorey, DE #5283

Blank Rome, LLP

Dorey@BlankRome.com

1201 Market Street, Suite 800

Wilmington, DE 19801

Telephone: (302) 425-6418

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that the foregoing MOTION FOR ATTORNEYS' FEES was served upon counsel for all other parties to this action listed below pursuant to N.C. R. Civ. P.5(b) by efileing a copy of the same utilizing the Western District of North Carolina's efileing system:

Mr. Pressly M. Millen
Mr. Samuel B. Hartzell
Womble Bond Dickinson (US) LLP
P O Box 831
Raleigh, NC 27602
Attorneys for dmarcian Europe BV

This the 3rd day of September, 2021.

/s/ Pamela S. Duffy
Pamela S. Duffy
N.C. State Bar No. 18329
SHARPLESS McCLEARN
LESTER DUFFY, PA
200 South Elm Street, Suite 400
Greensboro, North Carolina 27401
Telephone: (336) 333-6389
pduffy@sharplesslaw.com
Attorney for Plaintiff